

DATE

Ms. Becky Reeves, MSW, CHC
Compliance and Privacy Officer
LSU Lallie Kemp Regional Medical Center
52579 Highway 51 South
Independence, LA 70443

**Re: Louisiana Board of Ethics Docket No. 2021-901
Advisory Opinion**

Dear Ms. Reeves:

The Louisiana Board of Ethics, at its January 7, 2022 meeting, considered your request for an advisory opinion, on behalf of the LSU Lallie Kemp Regional Medical Center (the "Center"), as to whether the Center's employees may accept food gifts from vendors of the Center.

FACTS PROVIDED

The Center, located in Independence, Louisiana, is a 25-bed critical care hospital with inpatient and outpatient medical services.

Historically, vendors of the Center have given trays of inexpensive, edible treats, such as cookies, as gifts to Center employees, and those treats were consumed by the employees in the vendors' presence, in accordance with La. R.S. 42:1115.1. Because of the Center's coronavirus restrictions, visitor access is now significantly limited, and the vendors may not be present when the employees consume the food gifts. You wish to know if vendors may still give Center employees food gifts without being present while they are consumed.

LAW

La. R.S. 42:1115A(1) prohibits a public servant from soliciting or accepting, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to have a contractual, business or financial relationship with the public servant's agency.

La. R.S. 42:1115.1A and LAC 52:I:1703 provides that the total value of the food, drink, or refreshment given to a public servant at any single event shall not exceed \$65.

La. R.S. 42:1102(22)(a) excepts food, drink, or refreshments consumed by a public servant, including reasonable transportation and entertainment incidental thereto, while the personal guest of some person from the definition of a "thing of economic value."

ANALYSIS

The Board does not have the authority to provide exceptions to the Code of Governmental Ethics.

In accordance with La. R.S. 42:1115.1 and La. R.S. 42:1102(22)(a), Center vendors may give food, drink and refreshment to the Center's employees, provided that (1) the cost of the food, drink and refreshment do not exceed \$65.00 per employee pursuant to LAC 52:I:1703, and (2) that the food, drink and refreshment are consumed at an event at which the vendor is present. Accordingly, if the vendors are not present at the event at which the food, drink and refreshment are consumed, these gifts would be a violation of the Code of Governmental Ethics.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would permit Center employees to accept food, drink and refreshment from a vendor of the Center, provided the vendor is present when the food, drink and refreshment is consumed by the Center's employees and the cost does not exceed \$65.00 per employee.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board